

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LANCE E. SCHWEITER,

Plaintiff,

v.

Case No. 21-cv-168-WJ/SCY

KILOLO KIJAKAZI,
Acting Commissioner of
Social Security,

Defendant.

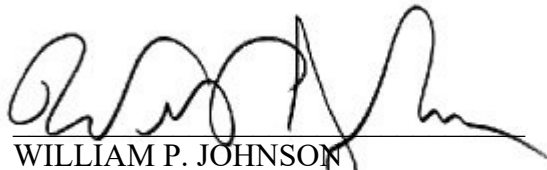
**ORDER ADOPTING
PROPOSED FINDINGS AND RECOMMENDATION**

THIS MATTER is before the Court on United States Magistrate Judge Steven C. Yarbrough's August 2, 2022 Proposed Findings And Recommended Disposition ("PFRD"). Doc. 36. Judge Yarbrough recommended the Court deny Plaintiff's Motion To Remand Or Reverse Agency Decision, Doc. 20, and affirm the decision below. Judge Yarbrough found that the ALJ considered the combined effect of Plaintiff's non-severe mental impairments, the ALJ properly evaluated the persuasiveness of a psychologist's opinion, and the ALJ did not err in failing to assess the vocational effect of Plaintiff's need for frequent absences from work. Judge Yarbrough notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. Doc. 36 at 16. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Yarbrough's findings and recommendation.

IT IS THEREFORE ORDERED THAT:

1. The Court ADOPTS Judge Yarbrough's Proposed Findings and Recommended Disposition, Doc. 36;
2. Plaintiff's Motion To Remand Or Reverse Agency Decision, Doc. 20, is DENIED;
and
3. The Court affirms the decision below.

IT IS SO ORDERED.



WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE